

1978 WL 35134 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
September 27, 1978

*1 Honorable J. P. Strom
Chief
South Carolina Law Enforcement Division
P. O. Box 21398
Columbia, South Carolina 29221

Dear Chief Strom:

Recently you requested an opinion from this Office concerning whether or not the records of a polygraph test administered by a SLED polygraph examiner are subject to public disclosure under the Freedom of Information Act.

I have discussed this matter fully with Officer Dennis Coggins, in the SLED Polygraph Department, and he advises me that it is the opinion of SLED that the release of polygraph test results would disclose investigative techniques used by SLED and not otherwise known to the general public. Further, such disclosure would seriously weaken the effectiveness of SLED polygraph examinations, and would act as a serious detriment to law enforcement effectiveness.

Under the South Carolina Freedom of Information Act, Act No. 593 of the 1978 Acts and Joint Resolutions, records of law enforcement agencies not otherwise available by law, compiled in the process of detecting and investigating crime may be exempt from disclosure if disclosure would harm the agency by disclosing investigatory techniques not otherwise known outside the Government. Since you have determined that a disclosure of polygraph results would result in this detriment, the exemption referred to would allow you to exclude these records from public inspection.

It is the opinion of this Office that SLED polygraph test results are not subject to disclosure under the Freedom of Information Act, for the reasons outlined herein.

I hope this information will be helpful to you and with kind regards, I am
Sincerely,

George C. Beighley
Assistant Attorney General

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